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Docket No. CHMP-102



#15/Response
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Kenneth A. Pieroni et al.)
)
Serial No.: 09/348,320) Examining Attorney: Charles D. Garber
)
Filing Date: July 7, 1999)
) Group Art Unit: 2856
For: SMOKE AND CLEAN AIR)
GENERATING MACHINE FOR)
DETECTING THE PRESENCE)
AND LOCATION OF LEAKS)
)
)

COMMUNICATION

Box: No Fee Amendment
Assistant Commissioner of Patents
U.S. Patent and Trademark Office
Washington, D.C. 20231

Dear Sir:

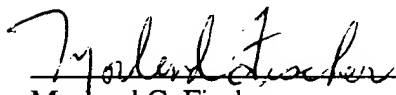
This is in reply to the Office Action dated May 17, 2002 for the above-identified patent application. The claims remaining for examination herein are claims 1, 3, 19 and 21-24. Claims 19 and 21-24 are indicated to be allowed. Claims 1 and 3 stand rejected.

In particular, claims 1 and 3 are rejected under 35 U.S.C. 103 as being unpatentable over the patent to Pieroni et al (5,922,944) in view of the newly cited technical publication by Gilles et al. However, this rejection is respectfully traversed as a matter of law. As noted by the

Examiner, the effective date of the aforementioned technical publication by Gilles et al is February 22, 2000. However, as has been called to the attention of the Examiner in telephone messages, the filing date of the above-identified patent application is July 7, 1999. Inasmuch as the filing date of this application is well prior to the effective date of the technical publication cited in the Office Action, it is submitted that said technical publication is not a proper reference to be applied against any of the claims pending in this application. Therefore, it is requested that the technical publication by Gilles et al be withdrawn from the list of applicable prior art. Accordingly, the aforementioned rejection of claims 1 and 3 on the basis of the technical publication to Gilles is improper and should no longer stand.

In view of the foregoing, claims 1 and 3 are believed to be patentable over all of the available prior art documents which are currently of record in this application. Since claims 19 and 21-24 have already been allowed, there are no further issues to be resolved in this application. Therefore, each of claims 1, 3, 19 and 21-24 which remains in this patent application is believed to be patentable such that this application is now in condition for allowance. Accordingly, reconsideration of the Examiner's rejection is requested, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,


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Dated: June 28, 2002

hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 on June 28, 2002
(Date of Deposit)

Christine Ohannessian
Christine Ohannessian
Date of Signature: June 28, 2002

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